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MONTANA LEGISLATIVE HISTORY

Chapter 309 19 85

Bill H _____ S 310 Original bill & history ___C

H. Committee on Human Services & Aging			S. Committee on Public Health, Welfare & Safety		
Hearing Date(s)	Mar 08	✓ C	Hearing Date(s)	Feb 13	✓ C
	Mar 11	✓ C		Feb 15	✓ C
		___C			___C
		___C			___C
Date Out	Mar 11	✓ C		Feb 15	✓ C

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

3/15 REFERRED TO TAXATION
3/21 HEARING
3/26 COMM REPORT-BILL CONCURRED AS AMENDED
3/30 2ND READING CONCURRED 59 38
4/01 3RD READING CONCURRED 69 31

RETURNED TO SENATE WITH AMENDMENTS
4/03 2ND READING AMENDMENTS CONCURRED 50 0
4/05 3RD READING AMENDMENTS CONCURRED 41 4
4/12 SIGNED BY PRESIDENT
4/15 SIGNED BY SPEAKER

4/15 TRANSMITTED TO GOVERNOR
4/17 SIGNED BY GOVERNOR
CHAPTER NUMBER 513 EFFECTIVE DATE: 4/17/85

SB 310 INTRODUCED BY JACOBSON
EXPANDING THE DEFINITION OF COMMUNITY RESIDENTIAL FACILITY
BY REQUEST OF DEPARTMENT OF SOCIAL & REHABILITATION SERVICES

2/01 INTRODUCED
2/02 REFERRED TO PUBLIC HEALTH, WELFARE & SAFETY
2/13 HEARING
2/16 COMMITTEE REPORT-BILL PASS AS AMENDED
2/19 2ND READING PASS AS AMENDED 45 0
2/21 3RD READING PASS 49 0

TRANSMITTED TO HOUSE
2/27 REFERRED TO HUMAN SERVICES & AGING
3/08 HEARING
3/12 COMM REPORT-BILL CONCURRED AS AMENDED
3/15 2ND READING CONCURRED 87 8
3/18 3RD READING CONCURRED 91 7

RETURNED TO SENATE WITH AMENDMENTS
3/21 2ND READING AMENDMENTS CONCURRED 48 0
3/23 3RD READING AMENDMENTS CONCURRED 48 1
3/27 SIGNED BY PRESIDENT
3/28 SIGNED BY SPEAKER

3/28 TRANSMITTED TO GOVERNOR
4/02 SIGNED BY GOVERNOR
CHAPTER NUMBER 309 EFFECTIVE DATE: 10/01/85

SB 311 INTRODUCED BY HALLIGAN
STAGGERING THE TERMS OF MEMBERS OF THE ADVISORY COUNCIL ON AGING
BY REQUEST OF OFFICE OF THE GOVERNOR

2/01 INTRODUCED
2/02 REFERRED TO PUBLIC HEALTH, WELFARE & SAFETY
2/11 HEARING
2/12 COMMITTEE REPORT-BILL DO PASS
2/15 2ND READING PASS 50 0
2/18 3RD READING PASS 49 0

TRANSMITTED TO HOUSE
2/27 REFERRED TO HUMAN SERVICES & AGING

MINUTES OF THE MEETING
PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE
MONTANA STATE SENATE

FEBRUARY 13, 1985

The meeting of the Public Health, Welfare and Safety Committee was called to order by Chairman Judy Jacobson on Wednesday, February 13, 1985 at 12:30 in Room 410 of the State Capitol.

ROLL CALL: All members were present, however, Senators Hager and Newman arrived late. Karen Renne, staff researcher, was also present.

There were visitors in attendance. See attachments.

ACTION ON SENATE BILL 296: Senator Larry Stimatz is the chief sponsor of this bill. SB 296 is an act to revise the examination grade requirements and reexamination procedures for a license to practice medicine.

A motion was made by Senator Towe that the bill be amended as follows: Page 2, line 16; Following: "more than"; strike: "three"; Insert: "two additional". Motion carried.

Senator Norman addressed the question concerning the effective date. He stated that the new codes do not come out until after the examination would have already been given this year.

A motion was made by Senator Towe that SB 296 be given a DO PASS AS AMENDED recommendation from the Committee. Motion carried.

CONSIDERATION OF SENATE BILL 310: Senator Judy Jacobson of Senate District 36, the sponsor of SB 310 have a brief resume of the bill. This bill is an act to include community homes for physically disabled persons and developmentally disabled persons who require nursing care in the definition of a community residential facility.

Mike Musckiewicz, representing the Developmental Disabilities Division of SRS, stood in support of the bill. He stated that the reason for SB 310 are 1) The department has established group homes for the physically disabled, who are not currently included under this exemption; 2) The Specialized Family (Foster) Care program funded by the last legislative session provides foster care to children who may occassionally require nursing care; 3) Some of the residents of current group homes require occasional nursing care; 4) It may be necessary in 1986 for purposes of securing renewal of the

Medicaid Waiver to ensure that group homes funded by the Waiver could be converted to Intermediate Developmental Care certified facilities. Mr. Muszkiewicz handed in written testimony and also some proposed amendments which would address the Montana Health Care Association's concerns.

Steve Davis of Billings, representing the Disabilities Coalition stood in support of the proposed bill and also the proposed amendments.

Bob Frazier representing the Priorities for People Team, stood in support of the bill as amended.

With no further proponents, the opponents were called upon. Hearing none, the meeting was opened to a question and answer period from the Committee.

Senator Towe asked about the licensing of intermediate nursing homes. This bill really only redefines community group homes.

Senator Jacobson closed.

CONSIDERATION OF SENATE BILL 282: Senator William Farrell of Missoula, the sponsor of SB 282, gave a brief resume of the bill. This bill is an act authorizing the Department of Commerce to establish expiration dates for the licenses of social workers, speech pathologists, and audiologists.

Senator Farrel stated that this is only design is to make for uniform expiration dates of the licenses.

Mary Lou Garrett, representing the Department of Commerce, stood in support of the bill. She explained that at the present time license renewal for social workers, speech pathologists and audiologist is biennial. The workload for the department needs to be spread more evenly through out the year. SB 282 would give the department rule making authority in establishing uniform expiration dates for licenses for social workers, speech pathologists, and audiologists.

With no further proponents, the chairman called on the opponents. Hearing none, the meeting was opened to a question and answer period from the Committee.

Senator Stephens asked Mrs. Garrett to explain the process the depatment goes through at the present time.

DATE _____

COMMITTEE ON _____

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One: Support	Check One: Oppose
ke Muszkiewicz	SRS	SB310	✓	
ob Frazier	PFP	SB310	✓	
le Toliferro	OHES	SB310		
fere Davis	Disabilities Coalition	SB310	✓	
Mary Lou Garrett	Commerce	SR2F2	✓	
[illegible] Sherwood	Self	[illegible]		
[illegible]	MT Optometric Ass	[illegible]		✓
[illegible]	MT Nurse [illegible]	SC[illegible]		—
[illegible]	MT Nurse Practitioners Ass Emp	OB329		✓
[illegible]	" " " - Bozeman	OB329		

Form CS-34
-79

NAME Mike Musolewicz BILL No. SB 310

ADDRESS _____ DATE 2/13

WHOM DO YOU REPRESENT SRS

SUPPORT ✓ OPPOSE _____ AMEND ✓

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

TED SCHWINDEN, GOVERNOR

P.O. BOX 4210

STATE OF MONTANA

HELENA, MONTANA 59604

February 11, 1985

TO: Senator Judy Jacobson

FROM: Michael S. Muszkiewicz, Administrator
Developmental Disabilities Division

RE: Rational For Legislation Regarding Zoning For DD Group Home Proposed Amendments

Since our initial exchange requesting SB 310 which was to amend M.C.A. 76-2-314, the Montana Health Care Association, through Rose Skoog, has indicated that the bill as written would pose a threat to nursing homes. We were notified of this difficulty on Friday, February 8.

Since that time we have drafted the attached amendments which appear to both satisfy the needs of the department and the concerns of the Montana Health Care Association.

Current Montana law (M.C.A. 76-2-314) permits "community residential facilities" to be located in any residential zone, including those zones designated for single family dwellings.

However, a community residential facility is currently defined as "a group, foster, or other home specifically provided as a place of residence for developmentally disabled or handicapped persons WHO DO NOT REQUIRE NURSING CARE."

The department is requesting enactment of SB 310 (and the amendments, attached) since:

1) The department has established group homes for the physically disabled, who are not currently included under this exemption; and

2) The Specialized Family (Foster) Care program funded by the last legislative session provides foster care to children who may occasionally require nursing care.

3) Some of the residents of current group homes require occasional nursing care.

4) It may be necessary in FY 86, for purposes of securing renewal of the Medicaid (Title XIX) Waiver to ensure that group homes funded by the Waiver could be converted to Intermediate Developmental Care certified facilities.

Thank you.

AMENDMENTS TO SB #310
PROPOSED BY THE DEPARTMENT OF
SOCIAL AND REHABILITATION SERVICES

1. Page 1, line 7
Following: "AND"
Insert: "FOR"

2. Page 1, line 16
Following: "a"
Insert: "COMMUNITY"

3. Page 1, line 16
Following: "group"
Strike: ", foster, or other"

4. Page 1, line 17
Following: "developmentally"
Insert: ","

5. Page 1, line 18
Strike: "disabled or"
Following: "physically"
Insert: "OR MENTALLY"

6. Page 1, line 19
Following: "care"
Insert: "WHICH DOES NOT PROVIDE SKILLED OR INTERMEDIATE NURSING CARE"

7. Page 1, line 20
Following: "youth"
Insert: "FOSTER HOME OR YOUTH"

8. Page 1, line 24
Following: "persons;"
Strike: "or"

9. Page 1, line 25
Following: "home"
Strike: "."
Insert: "; OR (5) A LICENSED INTERMEDIATE DEVELOPMENTAL CARE FACILITY AS DEFINED IN 50-5-101(19)(d)."

Senate BILL NO. 310

INTRODUCED BY J Jacobson

BY REQUEST OF THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

A BILL FOR AN ACT ENTITLED: "AN ACT TO INCLUDE COMMUNITY HOMES FOR PHYSICALLY DISABLED PERSONS AND DEVELOPMENTALLY DISABLED PERSONS WHO REQUIRE NURSING CARE IN THE DEFINITION OF A COMMUNITY RESIDENTIAL FACILITY; AMENDING SECTION 76-2-411, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 76-2-411, MCA, is amended to read:

"76-2-411. Definition of community residential facility. "Community residential facility" means:

(1) a group, ~~foster or other~~ home specifically provided ~~as a place of residence~~ for developmentally, ~~disabled or~~ handicapped physically disabled persons ~~who do not require nursing care~~ WHICH DOES NOT PROVIDE SKILLED OR INTERMEDIATE NURSING CARE;

(2) a youth group home as defined in 41-3-1102;

(3) a halfway house operated in accordance with regulations of the department of health and environmental sciences for the rehabilitation of alcoholics or drug dependent persons; ~~or~~

(4) a licensed adult foster family care home; OR

(5) A LICENSED INTERMEDIATE DEVELOPMENTAL CARE FACILITY AS DEFINED IN 50-5-101(27)(d).

INTRODUCED BILL
SB 310

S-34

NAME [illegible] BILL No. [illegible]

ADDRESS _____ DATE _____

WHOM DO YOU REPRESENT [illegible]

SUPPORT X OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

[illegible]

MINUTES OF THE MEETING
PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE
MONTANA STATE SENATE

FEBRUARY 15, 1985

The meeting of the Public Health, Welfare and Safety Committee was called to order by Chairman Judy Jacobson on Friday, February 15, 1985 at 12:30 in Room 410 of the State Capitol.

ROLL CALL: All members were present with the exception of Senator Newman, who was excused. Senator Hager arrived late because he was presenting a bill in another Committee Meeting. Karen Renne, staff researcher, was also present.

There were many visitors in attendance. See attachments.

ACTION ON SENATE BILL 310: Senator Judy Jacobson of Butte is the sponsor of this bill. This bill is an act to include community homes for physically disabled persons and developmentally disabled persons who require nursing care in the definition of a community residential facility.

Karen explained the proposed amendments. See attachments.

A motion was made by Senator Towe that the proposed amendments be adopted. Motion carried with all present voting "yes," except Senator Lynch who voted "no".
Senator Lynch asked if this bill will affect the Boulder Program in any way. Senator Jacobson stated that it probably would have an affect on Boulder, however, the bill is needed.

A motion was made by Senator Towe that SB 310 DO PASS AS AMENDED. Motion carried. Senator Himsl and Senator Lynch voted "no".

ACTION ON SENATE BILL 312: Senator Dorothy Eck of Bozeman is the sponsor of this bill. This bill is an act requiring the Department of Social and Rehabilitation Services to provide information about local day-care facilities to parents and others and assistance to licensees and prospective licensees, and providing an effective date.

The fiscal note was reviewed.

Senator Lynch stated that the $200,000 called for in the fiscal note could be better spent elsewhere and let the local chamber or some other community group handle this for a project.

STANDING COMMITTEE REPORT

FEBRUARY 15, 19 35

MR. PRESIDENT

We, your committee on PUBLIC HEALTH, WELFARE AND SAFETY

having had under consideration SENATE BILL No. 310

FIRST reading copy (WHITE color)

EXPANDING THE DEFINITION OF COMMUNITY RESIDENTIAL FACILITY

Respectfully report as follows: That SENATE BILL No. 310

be amended as follows:

1. Title, line 7.
Following: "FOR"
Strike: "PHYSICALLY DISABLED PERSONS AND"

2. Page 1, line 16.
Following: "(1) a"
Insert: "community"
Following: "group"
Strike: ", foster, or other"

3. Page 1, line 18.
Following: line 17
Strike: "disabled or"
Following: "handicapped"
Insert: ", mentally, or"

4. Page 1, line 19.
Following: "care"
Insert: "which does not provide skilled or intermediate nursing care"

5. Page 1, line 20.
Following: "youth"
Insert: "foster home or youth"

6. Page 1, line 24.
Following: "persons:"
Strike: "or"

DO PASS

DO NOT PASS

CONTINUED

Chairman.

FEBRUARY 15, 19 05

7. Page 1, line 25.
Following: "home"
Insert: "; or
(5) a licensed intermediate developmental care facility as defined in 50-5-101 (27)(d)"

AMD AS AMENDED
DO PASS

of Social and Rehabilitation Services stated that with enabling legislation the administration of funds could be made. Mary Jean Marron, a recovering alcoholic and now an alcoholism counselor reiterated her experiences with drinking and her recovery and aid to youths in this situation. Mike Murray, representing the Chemical Dependency Program stated that there was no money available for this program. Curt Chisholm, representing the Montana Department of Institutions stated his support of this legislation.

There were no further proponents and opponents present. Senator Norman was then excused by the Chair.

There being no further discussion on Senate Bill No. 121, the hearing was closed.

SENATE BILL NO. 158: Hearing commenced on Senate Bill No. 158. Senator Jacobson, District #36, sponsor of the bill stated that an act to exempt recipients of public assistance from the requirement of an indemnity bond for the purposes of receiving a duplicate state warrant was needed. Senator Jacobson said that the Department of Social and Rehabilitation Services requested that she carry this legislation.

Proponent Ron Brown, representing the Montana Department of Social and Rehabilitation Services stated that it takes two weeks to replace the initial warrant that was issued to recipients as the law now stands. People on public assistance can little afford to supply a bond when in the first circumstance they are on public assistance.

There were no further proponents and opponents present. Senator Jacobson was then excused by the Chair.

Representative Simon asked how many checks were lost monthly.

There being no further discussion on Senate Bill No. 158, the hearing was closed.

SENATE BILL NO. 310: Hearing commenced on Senate Bill No. 310. Senator Jacobson, District #36, sponsor of the bill said that an act to include community homes for developmentally disabled persons who require nursing care in the definition of a community residential facility was needed.

Proponent Mike Muszkiewicz, representing the Montana Depart-

of Social and Rehabilitation Services stated that the current law should be defined and that group homes should not be excluded from this legislation.

There were no further proponents and opponents present. Senator Jacobson was then excused by the Chair.

Representative Gilbert asked if zoning requirements would be changed and if the communities were going to object - no. Representative Keenan asked whether this legislation would affect the deinstitutionalization at Boulder River School. Representative Campbell asked if this bill is associated with the legislation on brain stem injuries.

There being no further discussion on Senate Bill No. 310, the hearing was closed.

SENATE BILL NO. 254: Hearing commenced on Senate Bill No. 254. Senator Eck, District #40, sponsor of the bill said that an act requiring fines imposed for unlawful transactions with children to be used to fund alcohol and drug abuse programs for persons under the legal drinking age was needed.

Proponent Mike Murray, representing the Chemical Dependency Program said that school program should be funded to carry on this program. There were no further proponents and opponents present.

Senator Eck was then excused by the Chair.

Representative Campbell asked whether extensive bookkeeping would be involved in this program. Representative Connelly questioned county task forces. Representative Gould asked if changes in the cities can be done and was told that the cities use the money for public safety. Gould also questioned a quarantee on the funding. Representative Simon questioned to known conviction in the past years and was told that there were. Representative Connelly asked if Flathead County had alot of reaction to this legislation.

There being no further discussion on Senate Bill No. 254, the hearing was closed.

SENATE BILL NO. 311: Hearing commenced on Senate Bill No. 311. Senator Halligan, District #29, sponsor of the bill stated that an act to provide staggered terms for the members of the advisory council on aging was needed.

VISITOR'S REGISTER

HOUSE HUMAN SERVICES AND AGING COMMITTEE

BILL SB 310 DATE 3/8/85

SPONSOR

NAME	RESIDENCE	REPRESENTING	SUP-PORT	OP-POSE
Mike Micciche	Helena	SRS/CDD	✓	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

FORM CS-33

ACTION ON SENATE BILL NO. 158: A motion was made by Representative Darko which was seconded by Representative Simon to do pass on Senate Bill No. 158. A voice vote was taken with all voting yes. Senate Bill No. 158 was then CONCURRED IN.

ACTION ON SENATE BILL NO. 254: A motion was made by Representative Hansen which was seconded by Representative Darko to do pass on Senate Bill No. 254. Discussion followed with Representatives Simon, Campbell, Hart and Connelly. A roll call vote was taken to do pass with 7 voting yes and 10 voting no. Representative Bradley absent. The roll call vote failed and Senate Bill No. 254 was then voted BE NOT CONCURRED IN.

ACTION ON SENATE BILL NO. 287: A motion was made by Representative Darko which was seconded by Representative Cohen to table Senate Bill No. 287. Representative Waldron made a substitute motion which was seconded to do pass on Senate Bill No. 287. Discussion followed among Committee. A roll call vote was taken to do pass with 8 voting yes and 10 voting no. Motion failed. Senate Bill No. 287 was then TABLED.

ACTION ON SENATE BILL NO. 310: A motion was made by Representative Darko which was seconded by Representative Hansen to do pass. A motion was then made by Representative Hansen which was seconded by Representative Darko to do pass on the amendment. Discussion followed. A show of hands was taken to do pass as amended. Representatives Gilbert, Wallin and Phillips voted no. Senate Bill No. 310 was voted BE CONCURRED IN AS AMENDED.

ACTION ON SENATE BILL NO. 311: Representative Simon made a motion which was seconded by Representative Waldron to do pass on Senate Bill No. 311. A vote was taken and all members of Committee voted to BE CONCURRED IN on Senate Bill No. 311.

ADJOURN: There being no further business before the Committee, the meeting was adjourned at 4:45 p.m.

Nancy Keenan
NANCY KEENAN, Chair

STANDING COMMITTEE REPORT

March 11 19 85

MR. Speaker

We, your committee on Human Services and Aging

having had under consideration Senate Bill No. 310

third reading copy (blue color)

Expanding the definition of community residential facility

Respectfully report as follows: That Senate Bill No. 310
AMEND AS FOLLOWS:

1) Title, line 7.
Following: "DEVELOPMENTALLY"
Insert: ", MENTALLY, OR PHYSICALLY"

AND AS AMENDED
BE CONCURRED IN
AND PASS

Chairman.

STATE PUB. CO.
Helena, Mont.

COMMITTEE SECRETARY